

1 all subsequent purchasers or any other successor to an interest in the land.  
2 Articles of dedication are not in proper form unless the articles qualify as  
3 an instrument which is valid and meets the requirements for recording under s.  
4 706.04.

5 (14) ARTICLES OF DEDICATION; AMENDMENT; JUSTIFICATION. The articles of  
6 dedication may not be amended or revised unless the amendment or revision  
7 serves a valid public purpose, no prudent alternative exists and the amendment  
8 or revision would not significantly injure or damage the ice age trail.

9 (15) ARTICLES OF DEDICATION; AMENDMENT; PROCEDURE. The articles of  
10 dedication may not be amended or revised until and unless:

11 (a) Agreement. The department and any other party with a property  
12 interest in the dedicated ice age trail area agree to the proposed amendment  
13 or revision.

14 (b) Findings. The department issues written findings justifying the  
15 proposed amendment or revision under sub. (14).

16 (c) Notice and hearing. A public hearing is conducted in the county  
17 where the dedicated ice age trail area is located following publication of a  
18 class 1 notice, under ch. 985, which announces the hearing and summarizes the  
19 department's findings.

20 (d) Standing committee approval. The appropriate standing committee in  
21 each house of the legislature, as determined by each presiding officer,  
22 approves the proposed amendment or revision.

23 (e) Approval by governor. The governor approves the proposed amendment  
24 or revision.

25 (f) Recording. The amendment or revision is recorded in the office of  
26 the register of deeds.

27 (16) WITHDRAWAL; JUSTIFICATION. The department may not withdraw a state  
28 ice age trail area from the state ice age trail areas system unless:

1       (a) Extinction of value. The value which enabled the area to be consid-  
2       ered a dedicated ice age trail area no longer exists or was destroyed or dam-  
3       aged to such an extent that the area has no importance or has a low level of  
4       importance as determined by the department.

5       (b) Superseding public purpose. The withdrawal serves a superseding and  
6       imperative public purpose and no prudent alternative exists.

7       (17) WITHDRAWAL; PROCEDURE. The department may not withdraw a dedicated  
8       ice age trail area from the state ice age trail areas system until and unless:

9       (a) Findings. The department issues written findings justifying the  
10      proposed withdrawal under sub. (16) (a) or (b).

11      (b) Notice and hearing. A public hearing is conducted in the county  
12      where the dedicated ice age trail area is located following publication of a  
13      class 1 notice, under ch. 985, which announces the hearing and summarizes the  
14      department's findings.

15      (c) Standing committee approval. The appropriate standing committee in  
16      each house of the legislature, as determined by each presiding officer,  
17      approves the proposed withdrawal.

18      (d) Approval by governor. The governor approves the proposed withdrawal.

19      (e) Recording. The withdrawal is recorded with the register of deeds.

20      (18) DEPARTMENT AUTHORITY. The department shall administer this section  
21      and shall encourage and facilitate the voluntary dedication of lands under the  
22      ice age trail program. The department may promulgate rules and establish  
23      procedures to aid in the administration and enforcement of this section. The  
24      department may provide legal advice and may prepare model articles of dedica-  
25      tion to facilitate the dedication of lands under the ice age trail program.

26      (19) ENFORCEMENT. The department and its agents, the department of jus-  
27      tice and peace officers, as defined under s. 939.22 (22), have jurisdiction on  
28      dedicated ice age trail areas.

1 (20) INJUNCTIVE RELIEF; RECOVERY OF COSTS. The department, or the  
2 department of justice on its own initiative or at the request of the  
3 department, may initiate an action seeking injunctive relief against any  
4 person violating the articles of dedication of a dedicated ice age trail area.

5 ••87b3501/1••SECTION 93qb. 23.33 (1) (am) of the statutes is created to  
6 read:

7 23.33 (1) (am) "Alcohol beverages" has the meaning specified under s.  
8 125.02 (1).

9 ••87b3501/1••SECTION 93qd. 23.33 (1) (dm) of the statutes is created to  
10 read:

11 23.33 (1) (dm) "Approved public treatment facility" has the meaning  
12 specified under s. 51.45 (2) (c).

13 ••87b3501/1••SECTION 93qf. 23.33 (1) (f) of the statutes is repealed.

14 ••87b3501/1••SECTION 93qh. 23.33 (1) (i) of the statutes is repealed and  
15 recreated to read:

16 23.33 (1) (i) "Intoxicant" means any alcohol beverage, controlled sub-  
17 stance or other drug or any combination thereof.

18 ••87b3501/1••SECTION 93qj. 23.33 (1) (ic), (ig), (ir) and (iw) of the  
19 statutes are created to read:

20 23.33 (1) (ic) "Intoxicated operation of an all-terrain vehicle law"  
21 means sub. (4c) or a local ordinance in conformity therewith or, if the oper-  
22 ation of an all-terrain vehicle is involved, s. 940.09 or 940.25.

23 (ig) "Law enforcement officer" has the meaning specified under s. 165.85  
24 (2) (c) and includes a person appointed as a conservation warden by the  
25 department under s. 23.10 (1).

26 (ir) "Operation of an all-terrain vehicle" means controlling the speed or  
27 direction of an all-terrain vehicle.

1 (iw) "Operator" means a person who is engaged in the operation of an  
2 all-terrain vehicle, who is responsible for the operation of an all-terrain  
3 vehicle or who is supervising the operation of an all-terrain vehicle.

4 ••87b3501/1••SECTION 93qL. 23.33 (1) (je), (jm) and (js) of the statutes  
5 are created to read:

6 23.33 (1) (je) "Purpose of authorized analysis" means for the purpose of  
7 determining or obtaining evidence of the presence, quantity or concentration  
8 of any intoxicant in a person's blood, breath or urine.

9 (jm) "Refusal law" means sub. (4p) (e) or a local ordinance in conformity  
10 therewith.

11 (js) "Test facility" means a test facility or agency prepared to admin-  
12 ister tests under s. 343.305 (1).

13 ••87b3501/1••SECTION 93qn. 23.33 (3) (b) of the statutes is repealed.

14 ••87b3501/1••SECTION 93qp. 23.33 (4c) to (4z) of the statutes are created  
15 to read:

16 23.33 (4c) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE. (a)  
17 Operation. 1. 'Operating while under the influence of an intoxicant.' No  
18 person may engage in the operation of an all-terrain vehicle while under the  
19 influence of an intoxicant to a degree which renders him or her incapable of  
20 safe all-terrain vehicle operation.

21 2. 'Operating with alcohol concentrations at or above specified levels.'  
22 No person may engage in the operation of an all-terrain vehicle while the  
23 person has a blood alcohol concentration of 0.1% or more by weight of alcohol  
24 in his or her blood. No person may engage in the operation of an all-terrain  
25 vehicle while the person has 0.1 grams or more of alcohol in 210 liters of his  
26 or her breath.

27 3. 'Operating with alcohol concentrations at specified levels; below age  
28 19.' If a person has not attained the age of 19, the person may not engage in

1 the operation of an all-terrain vehicle while he or she has a blood alcohol  
2 concentration of more than 0.0% but not more than 0.1% by weight of alcohol in  
3 his or her blood or more than 0.0 grams but not more than 0.1 grams of alcohol  
4 in 210 liters of his or her breath.

5 4. 'Related charges.' A person may be charged with and a prosecutor may  
6 proceed upon a complaint based upon a violation of subd. 1 or 2 or both for  
7 acts arising out of the same incident or occurrence. If the person is charged  
8 with violating both subds. 1 and 2, the offenses shall be joined. If the  
9 person is found guilty of both subds. 1 and 2 for acts arising out of the same  
10 incident or occurrence, there shall be a single conviction for purposes of  
11 sentencing and for purposes of counting convictions under sub. (13) (b) 2 and  
12 3. Subdivisions 1 and 2 each require proof of a fact for conviction which the  
13 other does not require.

14 (b) Causing injury. 1. 'Causing injury while under the influence of an  
15 intoxicant.' No person while under the influence of an intoxicant to a  
16 degree which renders him or her incapable of safe all-terrain vehicle oper-  
17 ation may cause injury to another person by the operation of an all-terrain  
18 vehicle.

19 2. 'Causing injury with alcohol concentrations at or above specified  
20 levels.' No person who has a blood alcohol concentration of 0.1% or more by  
21 weight of alcohol in his or her blood may cause injury to another person by  
22 the operation of an all-terrain vehicle. No person who has 0.1 grams or more  
23 of alcohol in 210 liters of his or her breath may cause injury to another  
24 person by the operation of an all-terrain vehicle.

25 3. 'Related charges.' A person may be charged with and a prosecutor may  
26 proceed upon a complaint based upon a violation of subd. 1 or 2 or both for  
27 acts arising out of the same incident or occurrence. If the person is charged  
28 with violating both subds. 1 and 2 in the complaint, the crimes shall be

1 joined under s. 971.12. If the person is found guilty of both subds. 1 and 2  
2 for acts arising out of the same incident or occurrence, there shall be a  
3 single conviction for purposes of sentencing and for purposes of counting  
4 convictions under sub. (13) (b) 2 and 3. Subdivisions 1 and 2 each require  
5 proof of a fact for conviction which the other does not require.

6 4. 'Defenses.' In an action under subd. 1, the defendant has a defense  
7 if it appears by a preponderance of the evidence that the injury would have  
8 occurred even if the defendant was not under the influence of an intoxicant.  
9 In an action under subd. 2, the defendant has a defense if it appears by a  
10 preponderance of the evidence that the injury would have occurred even if the  
11 defendant did not have a blood alcohol concentration of 0.1% or more by weight  
12 of alcohol in his or her blood. In an action under subd. 2, the defendant has  
13 a defense if it appears by a preponderance of the evidence that the injury  
14 would have occurred even if he or she did not have 0.1 grams or more of alco-  
15 hol in 210 liters of his or her breath.

16 (4g) PRELIMINARY BREATH SCREENING TEST. (a) Requirement. A person  
17 shall provide a sample of his or her breath for a preliminary breath screening  
18 test if a law enforcement officer has probable cause to believe that the  
19 person is violating or has violated the intoxicated operation of an all-ter-  
20 rain vehicle law and if, prior to an arrest, the law enforcement officer re-  
21 quested the person to provide this sample.

22 (b) Use of test results. A law enforcement officer may use the results  
23 of a preliminary breath screening test for the purpose of deciding whether or  
24 not to arrest a person for a violation of the intoxicated operation of an  
25 all-terrain vehicle law or for the purpose of deciding whether or not to  
26 request a chemical test under sub. (4p). Following the preliminary breath  
27 screening test, chemical tests may be required of the person under sub. (4p).

1       (c) Admissibility. The result of a preliminary breath screening test is  
2 not admissible in any action or proceeding except to show probable cause for  
3 an arrest, if the arrest is challenged, or to show that a chemical test was  
4 properly required of a person under sub. (4p).

5       (d) Refusal. There is no penalty for a violation of par. (a). Subsec-  
6 tion (13) (a) and the general penalty provision under s. 939.61 do not apply  
7 to that violation.

8       (4j) APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE  
9 LAW. In addition to being applicable upon highways, the intoxicated operation  
10 of an all-terrain vehicle law is applicable upon all premises held out to the  
11 public for use of their all-terrain vehicles, whether such premises are pub-  
12 licly or privately owned and whether or not a fee is charged for the use  
13 thereof.

14       (4L) IMPLIED CONSENT. Any person who engages in the operation of an  
15 all-terrain vehicle upon the public highways of this state, or in those areas  
16 enumerated in sub. (4j), is deemed to have given consent to provide one or  
17 more samples of his or her breath, blood or urine for the purpose of autho-  
18 rized analysis as required under sub. (4p). Any person who engages in the  
19 operation of an all-terrain vehicle within this state is deemed to have given  
20 consent to submit to one or more chemical tests of his or her breath, blood or  
21 urine for the purpose of authorized analysis as required under sub. (4p).

22       (4p) CHEMICAL TESTS. (a) Requirement. 1. 'Samples; submission to  
23 tests.' A person shall provide one or more samples of his or her breath,  
24 blood or urine for the purpose of authorized analysis if he or she is arrested  
25 for a violation of the intoxicated operation of an all-terrain vehicle law and  
26 if he or she is requested to provide the sample by a law enforcement officer.  
27 A person shall submit to one or more chemical tests of his or her breath,  
28 blood or urine for the purpose of authorized analysis if he or she is arrested

1 for a violation of the intoxicated operation of an all-terrain vehicle law and  
2 if he or she is requested to submit to the test by a law enforcement officer.

3 2. 'Information.' A law enforcement officer requesting a person to pro-  
4 vide a sample or to submit to a chemical test under subd. 1 shall inform the  
5 person of all of the following at the time of the request and prior to  
6 obtaining the sample or administering the test:

7 a. That he or she is deemed to have consented to tests under sub. (4L).

8 b. That a refusal to provide a sample or to submit to a chemical test  
9 constitutes a violation under par. (e) and is subject to the same penalties  
10 and procedures as a violation of sub. (4c) (a) 1.

11 c. That in addition to the designated chemical test under par. (b) 2, he  
12 or she may have an additional chemical test under par. (c) 1.

13 3. 'Unconscious person.' A person who is unconscious or otherwise not  
14 capable of withdrawing consent is presumed not to have withdrawn consent under  
15 this paragraph, and if a law enforcement officer has probable cause to believe  
16 that the person violated the intoxicated operation of an all-terrain vehicle  
17 law, one or more chemical tests may be administered to the person without a  
18 request under subd. 1 and without providing information under subd. 2.

19 (b) Chemical tests. 1. 'Test facility.' Upon the request of a law  
20 enforcement officer, a test facility shall administer a chemical test of  
21 breath, blood or urine for the purpose of authorized analysis. A test facil-  
22 ity shall be prepared to administer 2 of the 3 chemical tests of breath, blood  
23 or urine for the purpose of authorized analysis. The department may enter  
24 into agreements for the cooperative use of test facilities.

25 2. 'Designated chemical test.' A test facility shall designate one  
26 chemical test of breath, blood or urine which it is prepared to administer  
27 first for the purpose of authorized analysis.



1       3. 'Additional chemical test.' A test facility shall specify one chem-  
2 ical test of breath, blood or urine, other than the test designated under  
3 subd. 2, which it is prepared to administer for the purpose of authorized  
4 analysis as an additional chemical test.

5       4. 'Validity; procedure.' A chemical test of blood or urine conducted  
6 for the purpose of authorized analysis is valid as provided under s. 343.305  
7 (10). The duties and responsibilities of the laboratory of hygiene, depart-  
8 ment of health and social services and department of transportation under s.  
9 343.305 (10) apply to a chemical test of blood or urine conducted for the  
10 purpose of authorized analysis under this subsection. Blood may be withdrawn  
11 from a person arrested for a violation of the intoxicated operation of an  
12 all-terrain vehicle law only by a physician, registered nurse, medical  
13 technologist, physician's assistant or person acting under the direction of a  
14 physician and the person who withdraws the blood, the employer of that person  
15 and any hospital where blood is withdrawn have immunity from civil or criminal  
16 liability as provided under s. 895.53.

17       5. 'Report.' A test facility which administers a chemical test of  
18 breath, blood or urine for the purpose of authorized analysis under this sub-  
19 section shall prepare a written report which shall include the findings of the  
20 chemical test, the identification of the law enforcement officer or the person  
21 who requested a chemical test and the identification of the person who pro-  
22 vided the sample or submitted to the chemical test. The test facility shall  
23 transmit a copy of the report to the law enforcement officer and the person  
24 who provided the sample or submitted to the chemical test.

25       (c) Additional and optional chemical tests. 1. 'Additional chemical  
26 test.' If a person is arrested for a violation of the intoxicated operation  
27 of an all-terrain vehicle law or is the operator of an all-terrain vehicle  
28 involved in an accident resulting in great bodily harm to or the death of

1 someone and if the person is requested to provide a sample or to submit to a  
2 test under par. (a) 1, the person may request the test facility to administer  
3 the additional chemical test specified under par. (b) 3 or, at his or her own  
4 expense, reasonable opportunity to have any qualified person administer a  
5 chemical test of his or her breath, blood or urine for the purpose of autho-  
6 rized analysis.

7 2. 'Optional test.' If a person is arrested for a violation of the  
8 intoxicated operation of an all-terrain vehicle law and if the person is not  
9 requested to provide a sample or to submit to a test under par. (a) 1, the  
10 person may request the test facility to administer a chemical test of his or  
11 her breath or, at his or her own expense, reasonable opportunity to have any  
12 qualified person administer a chemical test of his or her breath, blood or  
13 urine for the purpose of authorized analysis. If a test facility is unable to  
14 perform a chemical test of breath, the person may request the test facility to  
15 administer the designated chemical test under par. (b) 2 or the additional  
16 chemical test under par. (b) 3.

17 3. 'Compliance with request.' A test facility shall comply with a  
18 request under this paragraph to administer any chemical test it is able to  
19 perform.

20 4. 'Inability to obtain chemical test.' The failure or inability of a  
21 person to obtain a chemical test at his or her own expense does not preclude  
22 the admission of evidence of the results of a chemical test required and  
23 administered under pars. (a) and (b).

24 (d) Admissibility; effect of test results; other evidence. The results  
25 of a chemical test required or administered under par. (a), (b) or (c) are  
26 admissible in any civil or criminal action or proceeding arising out of the  
27 acts committed by a person alleged to have violated the intoxicated operation  
28 of an all-terrain vehicle law on the issue of whether the person was under the

1 influence of an intoxicant or the issue of whether the person had alcohol  
2 concentrations at or above specified levels. Results of these chemical tests  
3 shall be given the effect required under s. 885.235. This subsection does not  
4 limit the right of a law enforcement officer to obtain evidence by any other  
5 lawful means.

6 (e) Refusal. No person may refuse a lawful request to provide one or  
7 more samples of his or her breath, blood or urine or to submit to one or more  
8 chemical tests under par. (a). A person shall not be deemed to refuse to  
9 provide a sample or to submit to a chemical test if it is shown by a pre-  
10 ponderance of the evidence that the refusal was due to a physical inability to  
11 provide the sample or to submit to the test due to a physical disability or  
12 disease unrelated to the use of an intoxicant. Issues in any action concern-  
13 ing violation of par. (a) or this paragraph are limited to:

14 1. Whether the law enforcement officer had probable cause to believe the  
15 person was violating or had violated the intoxicated operation of an all-ter-  
16 rain vehicle law.

17 2. Whether the person was lawfully placed under arrest for violating the  
18 intoxicated operation of an all-terrain vehicle law.

19 3. Whether the law enforcement officer requested the person to provide a  
20 sample or to submit to a chemical test and provided the information required  
21 under par. (a) 2 or whether the request and information was unnecessary under  
22 par. (a) 3.

23 4. Whether the person refused to provide a sample or to submit to a  
24 chemical test.

25 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests a  
26 person for a violation of the intoxicated operation of an all-terrain vehicle  
27 law or the refusal law, the law enforcement officer shall notify the depart-  
28 ment of the arrest as soon as practicable.

1       (4x) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ALL-TERRAIN VEHICLE  
2 WHILE UNDER INFLUENCE OF INTOXICANT. A person arrested for a violation of  
3 sub. (4c) (a) 1 or 2 or a local ordinance in conformity therewith or sub. (4c)  
4 (b) 1 or 2 may not be released until 12 hours have elapsed from the time of  
5 his or her arrest or unless a chemical test administered under sub. (4p) (a) 1  
6 shows that there is 0.05% or less by weight of alcohol in the person's blood  
7 or 0.05 grams or less of alcohol in 210 liters of the person's breath, but the  
8 person may be released to his or her attorney, spouse, relative or other  
9 responsible adult at any time after arrest.

10       (4z) PUBLIC EDUCATION PROGRAM. (a) The department shall promulgate  
11 rules to provide for a public education program to:

12       1. Inform all-terrain vehicle operators of the prohibitions and penalties  
13 included in the intoxicated operation of an all-terrain vehicle law.

14       2. Provide for the development of signs briefly explaining the intoxi-  
15 cated operation of an all-terrain vehicle law.

16       (b) The department shall develop and issue an educational pamphlet on the  
17 intoxicated operation of an all-terrain vehicle law to be distributed, begin-  
18 ning in 1989, to persons issued all-terrain vehicle registration certificates.

19       ••87b3501/1••SECTION 93qr. 23.33 (5) (d) of the statutes is amended to  
20 read:

21       23.33 (5) (d) Safety certification program established. The department  
22 shall establish or supervise the establishment of programs of instruction on  
23 all-terrain vehicle laws, including the intoxicated operation of an all-ter-  
24 rain vehicle law, regulations, safety and related subjects. The department  
25 may charge or authorize an instruction fee.

26       ••87b3501/1••SECTION 93qt. 23.33 (9) (b) of the statutes is amended to  
27 read:

1       23.33 (9) (b) Trails and projects. The department shall utilize at least  
2   50% of the moneys received from all-terrain vehicle registrations for the  
3   purposes specified under s. 20.370 (1) (ms) and (4) (by) including all-terrain  
4   vehicle projects and related costs, including land and easement acquisitions,  
5   liability insurance, route and trail development and maintenance, all-terrain  
6   vehicle facilities such as toilets, parking areas, riding areas, shelters and  
7   improvements and for all-terrain vehicle project aids to towns, villages,  
8   cities, counties and federal agencies. Aid may be provided under this para-  
9   graph to towns, villages, cities and counties for up to 100% of the cost of  
10 placing signs developed under sub. (4z) (a) 2 which briefly explain the  
11 intoxicated operation of an all-terrain vehicle law along all-terrain vehicle  
12 trails. Aid may be provided for snowmobile routes and trails and off-the-road  
13 motorcycle trails and facilities if these routes, trails and facilities are  
14 open for use by all-terrain vehicles.

15       ••87b3501/1••SECTION 93qv. 23.33 (13) of the statutes is renumbered 23.33  
16 (13) (a) and amended to read:

17       23.33 (13) (a) (title) Generally. Any Except as provided in pars. (b) to  
18 (e), any person who violates this section shall forfeit not more than \$250.

19       ••87b3501/1••SECTION 93qx. 23.33 (13) (b) to (e) of the statutes are  
20 created to read:

21       23.33 (13) (b) Penalties related to prohibited operation of an all-ter-  
22 rain vehicle; intoxicants; refusal. 1. Except as provided under subds. 2 and  
23 3, a person who violates sub. (4c) (a) 1 or 2 or (4p) (e) shall forfeit not  
24 less than \$150 nor more than \$300.

25       2. Except as provided under subd. 3, a person who violates sub. (4c) (a)  
26 1 or 2 or (4p) (e) and who, within 5 years prior to the arrest for the current  
27 violation, was convicted previously under the intoxicated operation of an  
28 all-terrain vehicle law or the refusal law shall be fined not less than \$300

1 nor more than \$1,000 and shall be imprisoned not less than 5 days nor more  
2 than 6 months.

3 3. A person who violates sub. (4c) (a) 1 or 2 or (4p) (e) and who, within  
4 5 years prior to the arrest for the current violation, was convicted 2 or more  
5 times previously under the intoxicated operation of an all-terrain vehicle law  
6 or refusal law shall be fined not less than \$600 nor more than \$2,000 and  
7 shall be imprisoned not less than 30 days nor more than one year in the county  
8 jail.

9 4. A person who violates sub. (4c) (a) 3 or (4p) (e) and who has not  
10 attained the age of 19 shall forfeit not more than \$50.

11 (c) Penalties related to causing injury; intoxicants. A person who vio-  
12 lates sub. (4c) (b) shall be fined not less than \$300 nor more than \$2,000 and  
13 may be imprisoned not less than 30 days nor more than one year in the county  
14 jail.

15 (cm) Sentence of detention. The legislature intends that courts use the  
16 sentencing option under s. 973.03 (4) whenever appropriate for persons subject  
17 to par. (b) 2 or 3 or (c). The use of this option can result in significant  
18 cost savings for the state and local governments.

19 (d) Calculation of previous convictions. In determining the number of  
20 previous convictions under par. (b) 2 and 3, convictions arising out of the  
21 same incident or occurrence shall be counted as one previous conviction.

22 (dm) Reporting convictions to the department. Whenever a person is con-  
23 victed of a violation of the intoxicated operation of an all-terrain vehicle  
24 law, the clerk of the court in which the conviction occurred, or the justice,  
25 judge or magistrate of a court not having a clerk, shall forward to the  
26 department the record of such conviction. The record of conviction forwarded  
27 to the department shall state whether the offender was involved in an accident  
28 at the time of the offense.

1       (e) Alcohol or controlled substances; assessment. In addition to any  
2 other penalty or order, a person who violates sub. (4c) (a) or (b) or (4p) (e)  
3 or who violates s. 940.09 or 940.25 if the violation involves the operation of  
4 an all-terrain vehicle, shall be ordered by the court to submit to and comply  
5 with an assessment by an approved public treatment facility for an examination  
6 of the person's use of alcohol or controlled substances. The assessment order  
7 shall comply with s. 343.30 (1q) (c) 1. a to c. Intentional failure to comply  
8 with an assessment ordered under this paragraph constitutes contempt of court,  
9 punishable under ch. 785.

10       ••87b2697/1••SECTION 93rc. 23.54 (3) (i) of the statutes, as affected by  
11 1987 Wisconsin Act 27, is amended to read:

12       23.54 (3) (i) Notice that if the defendant makes a deposit and fails to  
13 appear in court at the time fixed in the citation, the defendant will be  
14 deemed to have tendered a plea of no contest and submitted to a forfeiture, a  
15 penalty assessment, a jail assessment, any applicable weapons assessment, any  
16 applicable natural resources assessment and any applicable natural resources  
17 restitution payment plus costs, including any applicable fees prescribed in  
18 ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit.  
19 The notice shall also state that the court may decide to summon the defendant  
20 rather than accept the deposit and plea.

21       ••87b2697/1••SECTION 93rd. 23.54 (3) (j) of the statutes, as affected by  
22 1987 Wisconsin Act 27, is amended to read:

23       23.54 (3) (j) Notice that if the defendant makes a deposit and signs the  
24 stipulation, the defendant will be deemed to have tendered a plea of no con-  
25 test and submitted to a forfeiture, a penalty assessment, a jail assessment,  
26 any applicable weapons assessment, any applicable natural resources assessment  
27 and any applicable natural resources restitution payment plus costs, including  
28 any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to

1 exceed the amount of the deposit. The notice shall also state that the court  
2 may decide to summon the defendant rather than accept the deposit and  
3 stipulation, and that the defendant may, at any time prior to or at the time  
4 of the court appearance date, move the court for relief from the effects of  
5 the stipulation.

6 ••87b2697/1••SECTION 93re. 23.66 (2) of the statutes, as affected by 1987  
7 Wisconsin Act 27, is amended to read:

8 23.66 (2) The person receiving the deposit shall prepare a receipt in  
9 triplicate showing the purpose for which the deposit is made, stating that the  
10 defendant may inquire at the office of the clerk of court or municipal court  
11 regarding the disposition of the deposit, and notifying the defendant that if  
12 he or she fails to appear in court at the time fixed in the citation he or she  
13 will be deemed to have tendered a plea of no contest and submitted to a  
14 forfeiture, a penalty assessment, a jail assessment, any applicable weapons  
15 assessment, any applicable natural resources assessment and any applicable  
16 natural resources restitution payment plus costs, including any applicable  
17 fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the  
18 amount of the deposit which the court may accept. The original of the receipt  
19 shall be delivered to the defendant in person or by mail. If the defendant  
20 pays by check, share draft or other draft, the check, share draft or other  
21 draft or a microfilm copy of the check, share draft or other draft shall be  
22 considered a receipt. If the defendant makes the deposit by use of a credit  
23 card, the credit charge receipt shall be considered a receipt.

24 ••87b2697/1••SECTION 93rf. 23.66 (4) of the statutes, as affected by 1987  
25 Wisconsin Act 27, is amended to read:

26 23.66 (4) The basic amount of the deposit shall be determined in accor-  
27 dance with a deposit schedule which the judicial conference shall establish.  
28 Annually, the judicial conference shall review and may revise the schedule.



1 In addition to the basic amount determined according to the schedule, the  
2 deposit shall include court costs, including any applicable fees prescribed in  
3 ~~ss. 814.63 (1) and 814.635~~ ch. 814, any applicable penalty assessment, any  
4 applicable jail assessment, any applicable weapons assessment, any applicable  
5 natural resources assessment and any applicable natural resources restitution  
6 payment.

7 ••87b2697/1••SECTION 93rg. 23.67 (2) of the statutes, as affected by 1987  
8 Wisconsin Act 27, is amended to read:

9 23.67 (2) The deposit and stipulation of no contest may be made at any  
10 time prior to the court appearance date. By signing the stipulation, the  
11 defendant is deemed to have tendered a plea of no contest and submitted to a  
12 forfeiture, a penalty assessment, a jail assessment, any applicable weapons  
13 assessment, any applicable natural resources assessment and any applicable  
14 natural resources restitution payment plus costs, including any applicable  
15 fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the  
16 amount of the deposit.

17 ••87b2697/1••SECTION 93rh. 23.67 (3) of the statutes, as affected by 1987  
18 Wisconsin Act 27, is amended to read:

19 23.67 (3) The person receiving the deposit and stipulation of no contest  
20 shall prepare a receipt in triplicate showing the purpose for which the  
21 deposit is made, stating that the defendant may inquire at the office of the  
22 clerk of court or municipal court regarding the disposition of the deposit,  
23 and notifying the defendant that if the stipulation of no contest is accepted  
24 by the court the defendant will be deemed to have submitted to a forfeiture, a  
25 penalty assessment, a jail assessment, any applicable weapons assessment, any  
26 applicable natural resources assessment and any applicable natural resources  
27 restitution payment plus costs, including any applicable fees prescribed in

1 ~~ss. 814.63 (1) and 814.635~~ ch. 814, not to exceed the amount of the deposit.

2 Delivery of the receipt shall be made in the same manner as in s. 23.66.

3 ••87b2697/1••SECTION 93ri. 23.75 (3) (b) of the statutes, as affected by  
4 1987 Wisconsin Act 27, is amended to read:

5 23.75 (3) (b) If the defendant has made a deposit, the citation may serve  
6 as the initial pleading and the defendant shall be deemed to have tendered a  
7 plea of no contest and submitted to a forfeiture, a penalty assessment, a jail  
8 assessment, any applicable weapons assessment, any applicable natural re-  
9 sources assessment and any applicable natural resources restitution payment  
10 plus any applicable fees prescribed in ~~ss. 814.63 (1) and 814.635~~ ch. 814, not  
11 exceeding the amount of the deposit. The court may either accept the plea of  
12 no contest and enter judgment accordingly, or reject the plea and issue a  
13 summons. If the defendant fails to appear in response to the summons, the  
14 court shall issue an arrest warrant. If the court accepts the plea of no  
15 contest, the defendant may move within 90 days after the date set for appear-  
16 ance to withdraw the plea of no contest, open the judgment and enter a plea of  
17 not guilty if the defendant shows to the satisfaction of the court that fail-  
18 ure to appear was due to mistake, inadvertence, surprise or excusable neglect.  
19 If a party is relieved from the plea of no contest, the court or judge may  
20 order a written complaint to be filed and set the matter for trial. After  
21 trial the costs and fees shall be taxed as provided by law. If on reopening  
22 the defendant is found not guilty, the court shall delete the record of con-  
23 viction and shall order the defendant's deposit returned.

24 ••87b2697/1••SECTION 93rj. 23.75 (3) (c) of the statutes, as affected by  
25 1987 Wisconsin Act 27, is amended to read:

26 23.75 (3) (c) If the defendant has made a deposit and stipulation of no  
27 contest, the citation may serve as the initial pleading and the defendant  
28 shall be deemed to have tendered a plea of no contest and submitted to a

1 forfeiture, a penalty assessment, a jail assessment, any applicable weapons  
2 assessment, any applicable natural resources assessment and any applicable  
3 natural resources restitution payment plus any applicable fees prescribed in  
4 ss. ~~814.63 (1) and 814.635~~ ch. 814, not exceeding the amount of the deposit.  
5 The court may either accept the plea of no contest and enter judgment  
6 accordingly, or reject the plea and issue a summons. If the defendant fails  
7 to appear in response to the summons, the court shall issue an arrest warrant.  
8 After signing a stipulation of no contest, the defendant may, at any time  
9 prior to or at the time of the court appearance date, move the court for  
10 relief from the effect of the stipulation. The court may act on the motion,  
11 with or without notice, for cause shown by affidavit and upon just terms, and  
12 relieve the defendant from the stipulation and the effects thereof. If the  
13 defendant is relieved from the stipulation of no contest, the court may order  
14 a citation or complaint to be filed and set the matter for trial. After trial  
15 the costs and fees shall be taxed as provided by law.

16 ••87-5296/3••SECTION 95. 25.156 (2) of the statutes is amended to read:

17 25.156 (2) The ~~members of the~~ investment board shall employ an executive  
18 director, who shall serve outside the classified service, ~~at the pleasure of~~  
19 ~~the members of the board. Such.~~ The executive director shall be qualified by  
20 training and prior experience to manage, administer and direct the investment  
21 of funds. The investment board shall fix the compensation of the executive  
22 director, and may award bonus compensation as authorized under sub. (6).

23 ••87-5296/3••SECTION 96. 25.156 (6) of the statutes is created to read:

24 25.156 (6) The investment board may provide a plan of bonus compensation  
25 for the executive director and other employees of the board who are appointed  
26 in the unclassified service, whereby the employees may qualify for an annual  
27 bonus for meritorious performance. No such bonuses awarded by the board for  
28 any fiscal year may exceed a total of 10% of the total annualized salaries of

1 all unclassified employees of the board at the beginning of the fiscal year.  
2 No bonus awarded by the board to any individual employee for any fiscal year  
3 may exceed a total of 25% of the annual salary of the employee at the beginning  
4 of the fiscal year. In awarding bonus compensation for a given period, the  
5 board shall consider the performance of funds similar to those for which it  
6 has managing authority and market indices for the same period. The board  
7 shall provide for a portion of the bonus compensation awarded under this sub-  
8 section to be distributed to employees over a 3-year period conditioned upon  
9 continuation of employment to the time of distribution.

10 ••87-5296/3••SECTION 97. 25.16 (2) and (3) of the statutes are amended to  
11 read:

12 25.16 (2) The executive director shall appoint the employees necessary to  
13 ~~perform the duties~~ carry out the functions of the investment board ~~under,~~  
14 except that the investment board shall participate in the selection of  
15 investment directors. The executive director shall appoint all employees out-  
16 side the classified service, except that ~~the executive director shall appoint~~  
17 ~~investment directors in the unclassified service. The members of the board~~  
18 ~~shall participate in the selection of such directors. Such investment direc-~~  
19 ~~tors shall serve a probationary period of not less than 6 months nor more than~~  
20 ~~2 years as determined by the members of the board~~ blue collar and clerical  
21 employees. Neither the executive director, any investment director nor any  
22 other employee of the board shall have any financial interest, either directly  
23 or indirectly, in any firm engaged in the sale or marketing of real estate or  
24 investments of any kind, nor shall any of them render investment advice to  
25 others for remuneration.

26 (3) The executive director may appoint an executive assistant who shall  
27 ~~serve at the pleasure of the executive director~~ outside the classified

1 service. The executive assistant shall perform the duties prescribed by the  
2 executive director.

3 ••87-5296/3••SECTION 98. 25.16 (7) of the statutes is created to read:

4 25.16 (7) The executive director shall fix the compensation of all  
5 employes appointed by the executive director, subject to restrictions set  
6 forth in the compensation plan under s. 230.12 or any applicable collective  
7 bargaining agreement in the case of employes in the classified service, but  
8 the investment board may provide for bonus compensation to employes in the  
9 unclassified service as authorized under s. 25.156 (6).

10 ••87b2886/1••SECTION 98d. 25.17 (1) (aw) of the statutes is created to  
11 read:

12 25.17 (1) (aw) Clean water fund (s. 25.43);

13 ••87b2886/1••SECTION 98m. 25.18 (1) (n) of the statutes is created to  
14 read:

15 25.18 (1) (n) Purchase or acquire, commit on a standby basis to purchase  
16 or acquire, sell, discount, assign, negotiate, or otherwise dispose of, or  
17 pledge, hypothecate or otherwise create a security interest in, loans as the  
18 investment board may determine, or portions or portfolios of participations in  
19 loans, made or purchased under s. 144.241, if the disposition provides a  
20 financial benefit to and does not contradict or weaken the purposes of the  
21 clean water fund. The disposition may be at the price and under the terms the  
22 investment board determines to be reasonable and may be at public or private  
23 sale.

24 ••87-5311/2••SECTION 100. 25.40 (2) of the statutes, as affected by 1987  
25 Wisconsin Act 27, section 559, is amended to read:

26 25.40 (2) Payments from the transportation fund, except for appropria-  
27 tions made by ss. 20.115 (1) (q), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1)  
28 (q), (r), (u) and (v), 20.370 (1) ~~(dq),~~ (dr) and (mr), (2) (cq) ~~and (dw)~~ and

1 (4) (bt), and (bz), 20.399 (1) (r), 20.465 (1) (q), 20.505 (2) (q), 20.566 (1)  
2 (u) and (2) (q) and 20.855 (4) (q) and (s) or authorized by s. 25.17 shall be  
3 made only on the order of the secretary of transportation, from which order  
4 the secretary of administration shall draw a warrant in favor of the payee and  
5 charge the same to the transportation fund.

6 ••87-5311/2••SECTION 101. 25.40 (2) of the statutes, as affected by 1987  
7 Wisconsin Act 27, section 559g, and 1987 Wisconsin Act .... (this act), is  
8 repealed and recreated to read:

9 25.40 (2) Payments from the transportation fund, except for appropria-  
10 tions made by ss. 20.115 (1) (q), 20.255 (2) (r), 20.285 (1) (x), 20.292 (1)  
11 (q), (r), (u) and (v), 20.370 (1) (dr) and (mr), (2) (cq) and (4) (bt) and  
12 (bz), 20.399 (1) (r), 20.465 (1) (q), 20.505 (2) (q), 20.566 (1) (u) and (2)  
13 (q) and 20.855 (4) (q) and (s) or authorized by s. 25.17 shall be made only on  
14 the order of the secretary of transportation, from which order the secretary  
15 of administration shall draw a warrant in favor of the payee and charge the  
16 same to the transportation fund.

17 ••87b2886/1••SECTION 101m. 25.43 of the statutes is created to read:

18 25.43 CLEAN WATER FUND. (1) There is established a separate nonlapsible  
19 trust fund designated as the clean water fund, to consist of:

20 (a) All capitalization grants provided by the federal government under 33  
21 USC 1381 to 1387.

22 (b) All state funds appropriated or transferred to the clean water fund  
23 to meet the requirements for state deposits under 33 USC 1382.

24 (c) All other appropriations and transfers of state funds to the clean  
25 water fund.

26 (d) All gifts, grants and bequests to the clean water fund.

1 (e) All repayments of principal and payment of interest on loans made  
2 from the clean water fund and on obligations acquired by the investment board  
3 under s. 144.241 (19).

4 (f) All moneys received by the clean water fund from the proceeds of the  
5 sale of general or revenue obligation bonds under s. 20.866 (2) (tc) or  
6 144.241 (5).

7 (g) All moneys received from the sale of loans made under s. 25.18 (1)  
8 (n).

9 (2) (a) There is established in the clean water fund a federal revolving  
10 loan fund account consisting of the capitalization grants under sub. (1) (a)  
11 and (b) and all repayments under sub. (1) (e) of capitalization grants under  
12 sub. (1) (a) and (b).

13 (b) There is established in the clean water fund a state revolving loan  
14 fund account consisting of all moneys in the fund not included in accounts  
15 under par. (a) or (c).

16 (c) The investment board may establish and change accounts in the clean  
17 water fund other than those under pars. (a) and (b). The investment board  
18 shall consult the department of natural resources before establishing or  
19 changing an account that is needed to administer the program under s. 144.241.

20 (3) The clean water fund may be used only for the purposes authorized  
21 under ss. 20.370 (4) (cr), (cs), (iv), (ix) and (jq) and 144.241.

22 ••87b3486/1••SECTION 101r. 25.47 of the statutes, as created by 1987  
23 Wisconsin Act 27, is amended to read:

24 25.47 PETROLEUM STORAGE ENVIRONMENTAL CLEANUP FUND. There is established  
25 a separate nonlapsible trust fund designated as the petroleum storage envi-  
26 ronmental cleanup fund, to consist of the fees imposed under s. 168.12 (1m)  
27 and the net recoveries under s. 101.143 (5) (c).

28 ••87b3032/1••SECTION 102m. 25.48 (4) of the statutes is amended to read:

1       25.48 (4) The groundwater fees imposed under s. 144.441 (7).

2       ••87-5567/2 •• 87b3590/1••SECTION 102s. 25.75 (3) (c) of the statutes, as  
3 created by 1987 Wisconsin Act 119, is repealed and recreated to read:

4       25.75 (3) (c) Property tax relief. The sum of all of the following  
5 amounts shall be deposited in the appropriation under s. 20.255 (2) (q):

6       1. In the fiscal year beginning July 1, 1988, and each fiscal year  
7 thereafter, the first \$50,000,000 of lottery proceeds received in the fiscal  
8 year.

9       2. In the fiscal year beginning July 1, 1988, and each fiscal year  
10 thereafter, after deducting the amount under subd. 1, one-half of the remain-  
11 ing lottery proceeds received in the fiscal year.

12       3. a. In the fiscal year beginning July 1, 1988, one-sixth of the lottery  
13 proceeds remaining after deducting the first \$50,000,000 received in fiscal  
14 year 1987-88.

15       b. In the fiscal year beginning July 1, 1989, an amount equal to the  
16 amount under subd. 3. a, plus one-sixth of the lottery proceeds remaining  
17 after deducting the first \$50,000,000 received in fiscal year 1988-89.

18       c. In the fiscal year beginning July 1, 1990, and each fiscal year  
19 thereafter, an amount equal to the 3-year average of one-half of the lottery  
20 proceeds remaining after deducting the first \$50,000,000 received in each of  
21 the 3 immediately prior fiscal years.

22       4. In the fiscal year beginning July 1, 1988, and each fiscal year  
23 thereafter, earnings attributable to the lottery proceeds distributed to the  
24 lottery fund under s. 25.14 (3).

25       ••87-5212/1••SECTION 103. 27.01 (9) of the statutes, as affected by 1987  
26 Wisconsin Act 27, is repealed and recreated to read:

27       27.01 (9) WAIVER OF FEES; SPECIAL FEES. The department may waive the  
28 fees under subs. (7) and (8) or may charge admission fees in addition to or



1 instead of those fees. Fees or fee waivers may vary, based upon any of the  
2 following:

3 (a) Certain classes of persons or groups.

4 (b) Certain areas.

5 (c) Certain types of visitation or times of the year.

6 (d) Admission to special scheduled events or programs.

7 (e) Admission based on a per person basis.

8 ••87-5423/3••SECTION 104. 28.035 (3) (a) of the statutes is amended to  
9 read:

10 28.035 (3) (a) The written lease entered into between the Wisconsin state  
11 department of the American Legion and the department of natural resources  
12 dated June 15, 1944, which leases Camp American Legion for a period of 10  
13 years commencing June 1, 1944, shall continue in full force for an additional  
14 10 years, and may be renewed for additional 10-year periods thereafter, not-  
15 withstanding the expiration of the term expressed therein, so long as the  
16 Wisconsin state department of the American Legion or any of the American  
17 Legion posts organized under s. 188.08 maintains on such property structures  
18 which were constructed prior to May 31, 1956, at the expense of the Wisconsin  
19 state department of the American Legion or any such post, for the purpose of  
20 the rehabilitation, restoration or recreation of veterans and their dependents  
21 of the Spanish-American war, the Philippine insurrection, the Mexican border  
22 service, World Wars I and II, the Korean conflict, the Vietnam era and Grenada  
23 ~~or, Lebanon or a Middle East crisis~~ under s. 45.34.

24 ••87b1182/2 •• 87b1226/2 •• 87b3493/1••SECTION 104cam. 28.11 (8) (a) of  
25 the statutes is amended to read:

26 28.11 (8) (a) Acreage payments. As soon after April 20 of each year as  
27 feasible, the department shall pay to each town treasurer ~~20~~ 40 cents per  
28 acre, based on the acreage of such lands as of the preceding June 30, as a

1 grant out of the appropriation made by s. 20.370 (4) (ar) on each acre of  
2 county lands entered under this section.

3 ••87b2794/1••SECTION 104cb. 29.092 (7) (j) of the statutes is repealed.

4 ••87b2794/1••SECTION 104cf. 29.092 (7) (n) of the statutes is repealed.

5 ••87b2794/1••SECTION 104ci. 29.093 (7) (i) of the statutes is amended to  
6 read:

7 29.093 (7) (i) Commercial clam sheller license. A ~~resident or nonresident~~  
8 commercial clam sheller license is valid from January 1 or the date of  
9 issuance, whichever is later, until December 31.

10 ••87b2964/1••SECTION 104d. 29.103 (4) (e) of the statutes is repealed.

11 ••87b2964/1••SECTION 104de. 29.107 (7) of the statutes is repealed.

12 ••87b2794/1••SECTION 104gg. 29.16 (1) (title) of the statutes is  
13 repealed.

14 ••87b2794/1••SECTION 104gi. 29.16 (1) of the statutes is renumbered  
15 29.16.

16 ••87b2794/1••SECTION 104gk. 29.16 (2) of the statutes is repealed.

17 ••87b3423/2••SECTION 104he. 29.245 (3) (b) of the statutes is amended to  
18 read:

19 29.245 (3) (b) (title) Exceptions. This subsection does not apply to:

20 1. To a peace officer on official business.

21 2. To an employee of the department on official business or.

22 3. To a person authorized by the department to conduct a game census.

23 ••87b2794/1••SECTION 104i. 29.38 (3) (a) (intro.) and 3 of the statutes  
24 is amended to read:

25 29.38 (3) (a) (intro.) No person may engage in commercial clam shelling  
26 unless the person is a resident and at least one of the following applies:

27 3. The person ~~is a resident who~~ has not attained the age of 16 years, and  
28 the value of the clams taken, killed, collected or removed by that person does

1 not exceed \$1,000 per year. The department may, by rule, require persons  
2 under this subdivision to obtain a commercial clam shelling permit, at no  
3 charge, with the requirements for the permit to be determined by the depart-  
4 ment by rule.

5 ••87b2794/1••SECTION 104j. 29.38 (3) (b) of the statutes is amended to  
6 read:

7 29.38 (3) (b) No person may engage in clam helping unless the person is a  
8 resident and a natural person and has been issued a clam helper license by the  
9 department.

10 ••87b3423/2••SECTION 104n. 29.595 (title) of the statutes is repealed.

11 ••87b3423/2••SECTION 104nc. 29.595 (1) of the statutes is renumbered  
12 29.595 and amended to read:

13 29.595 (title) BEAR CAUSING DAMAGE. Upon complaint in writing by an  
14 owner or lessee of land to the department that ~~deer or~~ bear are causing damage  
15 thereon, the department shall inquire into the matter; and if upon  
16 investigation, or otherwise, it ~~shall appear~~ appears to the department that  
17 the facts stated in each such complaint are true, the department by its agents  
18 may capture or destroy such ~~deer or~~ bear, and dispose of the same as provided  
19 in s. 29.06.

20 ••87-5214/1••SECTION 105. 29.599 (4) (a) of the statutes, as created by  
21 1987 Wisconsin Act 27, is amended to read:

22 29.599 (4) (a) Costs reimbursed. Except as provided under par. (c), the  
23 department shall pay each participating county or municipality up to 100% of  
24 the county's or municipality's actual costs that are directly attributable to  
25 providing additional law enforcement services during the spearfishing season.  
26 The department shall make state aid payments from the appropriation under s.  
27 20.370 (4) (ga) by ~~June 30~~ July 31 of the calendar year in which the county or  
28 municipality files an application under sub. (2) (c).

1       ••87b2964/1••SECTION 105aaa. 29.642 (title) of the statutes is amended to  
2 read:

3       29.642 (title) INCORRECT INFORMATION.

4       ••87b2964/1••SECTION 105aab. 29.642 (1) (intro.) of the statutes is  
5 repealed and recreated to read:

6       29.642 (1) (intro.) Any person who provides incorrect information and  
7 thereby obtains an approval issued under this chapter to which the person is  
8 not entitled:

9       ••87b3031/1••SECTION 105aac. 30.275 (2) of the statutes is amended to  
10 read:

11       30.275 (2) DESIGNATION. The Illinois Fox river and its watershed ~~is~~ and  
12 the Fox river, extending from Lake Winnebago to Green Bay, and its watershed  
13 are designated a scenic urban ~~waterway~~ waterways and shall receive special  
14 management as provided under this section.

15       ••87b3371/1••SECTION 105aacm. 30.30 (3) (c) of the statutes is amended to  
16 read:

17       30.30 (3) (c) If the owners of the property on which the dock wall or  
18 shore protection wall is located fail to notify the board of harbor commis-  
19 sioners or the local legislative body within the 90-day period that the work  
20 will be commenced as specified in the resolution, the board of harbor commis-  
21 sioners or the local legislative body shall request the city attorney, ~~dis-~~  
22 ~~trict attorney~~ or corporation counsel for the commencement of an action in the  
23 circuit court in the county in which the property is located for determination  
24 of whether or not the improvement, alteration, repair or extension of the dock  
25 wall or shore protection wall is required and for the fixing of the time by  
26 the court within which time the work must be commenced and completed. The  
27 action shall be entitled in the name of the state and the municipality, and  
28 the attorney general shall participate on behalf of the state. The complaint

1 shall recite the type of improvement, alteration, repair or extension which is  
2 required, the approximate cost thereof, the need for such work as related to  
3 the reasons stated in par. (b), and such other allegations as may be  
4 pertinent. The owners of the property within which the dock wall or shore  
5 protection wall is located shall be named defendants. They shall be permitted  
6 to plead as provided for in civil actions. The action shall be brought to  
7 trial in the circuit court as promptly as possible. If the circuit court  
8 determines that the work shall be performed, it shall make a finding to that  
9 effect and enter an order directing the owners of the property to commence the  
10 work and to complete it within a period of time fixed by the court in the  
11 order, or in the alternative provide that the municipality may complete the  
12 work and charge the cost thereof to the owners of the property. If the work  
13 is performed by the municipality, the cost shall be recovered from the owners  
14 of the property as special assessments for benefits to lands provided for in  
15 s. 66.60. Either party to the action may appeal from the determination of the  
16 circuit court and the appeal shall be given preference. Only such that por-  
17 tion of the cost of the work shall be assessed against the owners which is of  
18 benefit to their lands.

19 ••87b2965/1••SECTION 105aad. 30.61 (6) (a) of the statutes is amended to  
20 read:

21 30.61 (6) (a) Except as provided under par. (b), any moored, anchored or  
22 drifting boat or any other fixed and floating structure outside designated  
23 mooring areas or beyond ~~150~~ 200 feet from the shoreline is required to be  
24 lighted from sunset to sunrise by a white light visible all around the  
25 horizon.

26 ••87b3398/2••SECTION 105aadb. 30.62 (2) (a) of the statutes is amended to  
27 read:

1        30.62 (2) (a) Mufflers. The engine of every motorboat propelled by an  
2 internal combustion engine and used on the waters of this state shall be  
3 equipped and maintained with a muffler ~~which is so constructed and kept in~~  
4 ~~constant operation that it prevents excessive or unusual noise at all times~~  
5 ~~while the engine is in operation, underwater exhaust system or other noise~~  
6 suppression device.

7        ••87b3398/2••SECTION 105aadd. 30.62 (2) (b) 1 of the statutes is renum-  
8 bered 30.62 (2) (b) and amended to read:

9        30.62 (2) (b) No person may operate a motorboat powered by an engine  
10 ~~manufactured on or after January 1, 1975, and before January 1, 1978, on the~~  
11 ~~waters of the this state in such a manner as to exceed a noise level of 86~~  
12 ~~measured on an "A" weighted decibel scale measured at a distance of not less~~  
13 ~~than 25 meters from the motorboat from any point on the shoreline of the body~~  
14 of water on which the motorboat is being operated.

15        ••87b3398/2••SECTION 105aadf. 30.62 (2) (b) 2 and 3 of the statutes are  
16 repealed.

17        ••87b3398/2••SECTION 105aadg. 30.62 (2) (c) 1 of the statutes is renum-  
18 bered 30.62 (2) (c) and amended to read:

19        30.62 (2) (c) No person may sell, resell, or offer for sale ~~or resale~~ any  
20 ~~motorboat with an engine manufactured on or after January 1, 1975, and before~~  
21 ~~January 1, 1978, for use on the waters of the state if the motorboat can has~~  
22 been so modified that it cannot be operated in such a manner as to exceed a  
23 noise level of 86 measured on an "A" weighted decibel scale measured at a  
24 distance of not less than 25 meters from the motorboat that it will comply  
25 with the noise level requirements under par. (b).

26        ••87b3398/2••SECTION 105aadh. 30.62 (2) (c) 2 and 3 of the statutes are  
27 repealed.

1       ••87b3398/2••SECTION 105aadm. 30.62 (2) (d) of the statutes is amended to  
2 read:

3       30.62 (2) (d) (title) Maximum noise level for manufacture. 1. No person  
4 may ~~sell or manufacture and~~ offer for sale any motorboat with an engine manu-  
5 ~~factured on or after January 1, 1982, unless the manufacturer of the motor~~  
6 ~~certifies to the department that the motor was tested and found not to exceed~~  
7 ~~the noise levels prescribed under par. (c) for use on the waters of this state~~  
8 if the motorboat cannot be operated in such a manner so as to comply with the  
9 noise level requirements under par. (b).

10       2. ~~Testing~~ The department may promulgate rules establishing testing  
11 procedures to determine noise levels shall comply with the exterior sound  
12 level measurement procedure for pleasure motorboats published by the society  
13 of automotive engineers for the enforcement of this section.

14       3. ~~The department shall promulgate rules concerning the manner of~~  
15 ~~certification and test procedures and may revise these rules as necessary to~~  
16 adjust to advances in technology.

17       ••87b3398/2••SECTION 105aadp. 30.62 (2) (g) of the statutes is renumbered  
18 30.62 (2) (g) (intro.) and amended to read:

19       30.62 (2) (g) (title) Exemption for specific uses. (intro.) This sub-  
20 section does not apply to a any of the following:

21       1. A motorboat while competing in a race conducted under a permit from a  
22 town, village or city or from an authorized agency of the U.S. federal  
23 government, nor does it apply to a boat.

24       2. A motorboat designed and intended solely for racing, while the boat is  
25 operated incidentally to the testing or tuning up of the boat motorboat and  
26 engine for the race in an area designated by and operated under a permit  
27 specified under subd. 1.

1       ••87b3398/2••SECTION 105aadr. 30.62 (2) (g) 3 to 5 of the statutes are  
2 created to read:

3       30.62 (2) (g) 3. A motorboat on an official trial for a speed record if  
4 conducted under a permit from a town, village or city.

5       4. The operation of a commercial or nonrecreational fishing boat, ferry  
6 or other vessel engaged in interstate or international commerce, other than a  
7 tugboat.

8       5. A motorboat while operated more than one mile from the shoreline on a  
9 body of water at least 50,000 acres in size.

10       ••87b3398/2••SECTION 105aads. 30.62 (2) (h) of the statutes is amended to  
11 read:

12       30.62 (2) (h) Exemption by rule. The department may promulgate by rule  
13 exemptions from compliance with this subsection for certain activities for  
14 certain types of boats such as air boats, motorboats for specific uses and for  
15 specific areas of operation.

16       ••87b2965/1••SECTION 105aae. 30.772 (2) (e) (intro.) of the statutes is  
17 amended to read:

18       30.772 (2) (e) (intro.) The mooring anchor is placed more than 150 feet  
19 from the ordinary high-water mark, or more than 200 feet from the ordinary  
20 high-water mark if sub. (3) (a) 5 applies, unless one of the following occurs:

21       ••87b2965/1••SECTION 105aaf. 30.772 (3) (a) 5 of the statutes is created  
22 to read:

23       30.772 (3) (a) 5. The placement or use of moorings up to 200 feet from  
24 the ordinary high-water mark, subject to all of the requirements of this  
25 section and s. 30.773, if applicable.

26       ••87b2965/1••SECTION 105aag. 30.772 (3) (am) of the statutes is created  
27 to read:



1        30.772 (3) (am) If the governing body of a municipality adopts an ordi-  
2 nance under par. (a) 5, any boat moored or anchored to a mooring placed within  
3 200 feet of the ordinary high-water mark or within a designated mooring area  
4 is not required to be lighted, as provided in s. 30.61 (6) (a), regardless of  
5 whether the moored or anchored boat drifts beyond 200 feet from the ordinary  
6 high-water mark or outside of the designated mooring area, unless the local  
7 regulations require the boat to be so lighted.

8        ••87b2965/1••SECTION 105aah. 30.772 (3) (c) of the statutes is amended to  
9 read:

10       30.772 (3) (c) A municipality shall submit local regulations proposed  
11 under this subsection to the department at least 30 days before the munici-  
12 pality votes to adopt the regulations. The department shall advise the  
13 municipality in writing of its approval or disapproval of each such  
14 regulation. No regulation disapproved by the department may be adopted by the  
15 municipality. Permits issued for moorings more than 150 feet from the ordi-  
16 nary high-water mark, or more than 200 feet from the ordinary high-water mark  
17 if par. (a) 5 applies, shall be submitted to the department for approval  
18 unless the permit is for a mooring within a designated mooring area.

19       ••87b2965/1••SECTION 105aai. 30.772 (3) (d) (intro.) of the statutes is  
20 amended to read:

21       30.772 (3) (d) (intro.) The governing body of a municipality may, by  
22 ordinance, require a permit authorizing the placement and use of ~~a mooring~~  
23 ~~within an authorized mooring area~~ moorings, subject to all of the following:

24       ••87b2965/1••SECTION 105aaj. 30.772 (4) of the statutes is amended to  
25 read:

26       30.772 (4) DEPARTMENT PERMITS. The department may issue a permit autho-  
27 rizing the placement or use of a mooring beyond 150 feet from the ordinary  
28 high-water mark if the municipality does not have an established permit

1 procedure, or more than 200 feet from the ordinary high-water mark if sub. (3)  
2 (a) 5 applies. The department may place conditions or restrictions on any  
3 permit issued under this subsection.

4 ••87b2714/3••SECTION 105aak. 30.92 of the statutes is repealed.

5 ••87b3399/2••SECTION 105aam. 30.93 (8) of the statutes is created to  
6 read:

7 30.93 (8) LAMPREY CONTROL. The department shall, before October 1, 1988,  
8 alter the Rapide Croche dam and seal the Fox river lock and facility at the  
9 dam to stop lamprey from entering the part of the Fox river upstream from the  
10 Rapide Croche dam.

11 ••87b3499/2••SECTION 105aap. 30.94 of the statutes is created to read:

12 30.94 AIDS TO NAVIGATION IN LAKE WINNEBAGO-FOX RIVER SYSTEM. The  
13 department shall place and remove all aids to navigation, as defined in s.  
14 30.74 (2) (b), in the entire Lake Winnebago-Fox river system. The department  
15 shall seek the cooperation and assistance of the U.S. coast guard in the per-  
16 formance of its duties under this section. The department shall place aids to  
17 navigation that are equivalent to the aids placed by the U.S. coast guard in  
18 1987. The department may contract with any person to place or remove the aids  
19 to navigation. The aids to navigation shall be placed as early in the year as  
20 feasible and be removed as late in the year as feasible.

21 ••87b2854/1••SECTION 105ab. 32.185 of the statutes is amended to read:

22 32.185 CONDEMNOR. "Condemnor", for the purposes of ss. 32.19 to 32.27,  
23 means any municipality, board, commission, public officer or corporation  
24 vested with the power of eminent domain which acquires property for public  
25 purposes either by negotiated purchase when authorized by statute to employ  
26 its powers of eminent domain or by the power of eminent domain. "Condemnor"  
27 also means a displacing agency. In this section, "displacing agency" means  
28 any state agency, political subdivision of the state or person carrying out a

1 program or project with public financial assistance that causes a person to be  
2 a displaced person, as defined in s. 32.19 (2) (e).

3       ••87b2854/1••SECTION 105ac. 32.19 (2) (b) of the statutes is amended to  
4 read:

5       32.19 (2) (b) "Comparable dwelling" means one which, when compared with  
6 the dwelling being taken, is substantially equal concerning all major char-  
7 acteristics and functionally equivalent with respect to: the number and size  
8 of rooms and closets, area of living space, type of construction, age, state  
9 of repair, size and utility of any garage or other outbuilding, type of  
10 neighborhood and accessibility to public services and places of employment.  
11 "Comparable dwelling" shall meet all of the standard building requirements and  
12 other code requirements of the local governmental body and shall also be  
13 decent, safe and sanitary and within the financial means of the displaced  
14 person, as defined by the department of industry, labor and human relations.

15       ••87b2854/1••SECTION 105ad. 32.19 (2) (e) of the statutes is repealed and  
16 recreated to read:

17       32.19 (2) (e) 1. "Displaced person" means, except as provided under subd.  
18 2, any person who moves from real property or who moves his or her personal  
19 property from real property:

20       a. As a direct result of a written notice of intent to acquire or the  
21 acquisition of the real property, in whole or in part or subsequent to the  
22 issuance of a jurisdictional offer under this subchapter, for public purposes;  
23 or

24       b. As a result of rehabilitation, demolition or other displacing  
25 activity, as determined by the department of industry, labor and human  
26 relations, if the person is a tenant-occupant of a dwelling, business or farm  
27 operation and the displacement is permanent.

28       2. "Displaced person" does not include:

1       a. Any person determined to be unlawfully occupying the property or to  
2 have occupied the property solely for the purpose of obtaining assistance  
3 under ss. 32.19 to 32.27; or

4       b. Any person, other than a person who is an occupant of the property at  
5 the time it is acquired, who occupies the property on a rental basis for a  
6 short term or a period subject to termination when the property is needed for  
7 the program or project for which it is being acquired.

8       ••87b3343/1••SECTION 105adg. 32.19 (2m) of the statutes is amended to  
9 read:

10       32.19 (2m) INFORMATION ON PAYMENTS. Before initiating negotiations to  
11 acquire the property under s. 32.05 (2a), 32.06 (2a) or subch. II, or under-  
12 taking a program or project that may cause a person to be a displaced person.  
13 the condemnor shall provide displaced persons with copies of applicable pam-  
14 phlets prepared under s. 32.26 (6).

15       ••87b3343/1••SECTION 105adr. 32.19 (3) (intro.) of the statutes is  
16 amended to read:

17       32.19 (3) RELOCATION PAYMENTS. (intro.) Any condemnor which proceeds  
18 with the acquisition of real and personal property for purposes of any project  
19 for which the power of condemnation may be exercised, or undertakes a program  
20 or project that causes a person to be a displaced person, shall make fair and  
21 reasonable relocation payments to displaced persons, business concerns and  
22 farm operations under this section. Payments shall be made as follows:

23       ••87b2854/1••SECTION 105ae. 32.19 (3) (a) of the statutes is amended to  
24 read:

25       32.19 (3) (a) Moving expenses; actual. The condemnor shall compensate a  
26 displaced person for ~~his~~ the actual and reasonable expenses ~~in~~ of moving  
27 ~~himself, his~~ the displaced person and his or her family, ~~his~~ business or ~~his~~  
28 farm operation, including personal property; actual direct losses of tangible

1 personal property as a result of moving or discontinuing a business or farm  
2 operation, but not to exceed an amount equal to the reasonable expenses that  
3 would have been required to relocate such property; and actual reasonable  
4 expenses in searching for a replacement business or farm operation; and actual  
5 reasonable expenses necessary to reestablish a business or farm operation, not  
6 to exceed \$10,000, unless compensation for such expenses is included in the  
7 payment provided under sub. (4m).

8 ••87b2854/1••SECTION 105af. 32.19 (3) (b) 1 of the statutes is amended to  
9 read:

10 32.19 (3) (b) 1. 'Dwellings.' Any displaced person who moves from a  
11 dwelling and who elects to accept the payments authorized by this paragraph in  
12 lieu of the payments authorized by par. (a) may receive ~~a moving an~~ expense  
13 and dislocation allowance, determined according to a schedule established by  
14 the ~~condemnor not to exceed \$300 and dislocation allowance of \$200~~ department  
15 of industry, labor and human relations.

16 ••87b2854/1••SECTION 105ag. 32.19 (3) (b) 2. (intro.) of the statutes is  
17 renumbered 32.19 (3) (b) 2 and amended to read:

18 32.19 (3) (b) 2. 'Business and farm operations.' Any displaced person  
19 who moves or discontinues his or her business or farm operation, is eligible  
20 under criteria established by the department of industry, labor and human  
21 relations by rule and who elects to accept payment authorized under this  
22 paragraph in lieu of the payment authorized under par. (a), may receive a  
23 fixed payment in an amount ~~equal to the average annual net earnings of the~~  
24 ~~business or farm operation~~ determined according to criteria established by the  
25 department of industry, labor and human relations by rule, except that such  
26 payment shall not be less than \$2,500 \$1,000 nor more than \$10,000. ~~In the~~  
27 ~~case of a business, no payment shall be made under this subsection unless the~~  
28 ~~condemnor is satisfied that the business~~ \$20,000. A person whose sole busi-

1 ness at the displacement dwelling is the rental of such property to others is  
2 not eligible for a payment under this subdivision.

3       ••87b2854/1••SECTION 105ah. 32.19 (3) (b) 2. a and b of the statutes are  
4 repealed.

5       ••87b2854/1••SECTION 105ai. 32.19 (3) (c) of the statutes is amended to  
6 read:

7       32.19 (3) (c) Optional payment for businesses. Any displaced person who  
8 moves his or her business, and elects to accept the payment authorized in par.  
9 (a), may, if otherwise qualified under par. (b) 2, elect to receive the pay-  
10 ment authorized under par. (b) 2, minus whatever payment ~~he~~ the displaced  
11 person received under par. (a), if he the displaced person discontinues his  
12 the business within 2 years of the date of receipt of payment under par. (a),  
13 provided that ~~he has suffered a substantial loss of existing patronage~~ the  
14 displaced person meets eligibility criteria established by the department of  
15 industry, labor and human relations by rule. In no event ~~shall~~ may the total  
16 combined payment be less than ~~\$2,500~~ \$1,000 nor more than ~~\$10,000~~ \$20,000.

17       ••87b2854/1••SECTION 105aj. 32.19 (4) (a) 2. (intro.) of the statutes is  
18 renumbered 32.19 (4) (a) 2 and amended to read:

19       32.19 (4) (a) 2. The amount of increased interest expenses and other debt  
20 service costs incurred by the owner to finance the purchase of another prop-  
21 erty substantially similar to the property taken ~~provided that: a), if~~ at the  
22 time of the taking the land acquired was subject to a bona fide mortgage or  
23 was held under a vendee's interest in a bona fide land contract; ~~and b)~~ such  
24 mortgage or land contract had been executed in good faith not less than 180  
25 days prior to the initiation of ~~the attempt to purchase~~ negotiations for the  
26 acquisition of such property. The computation of the increased interest costs  
27 ~~shall be based upon and limited to:~~ determined according to rules promulgated  
28 by the department of industry, labor and human relations.

1       ••87b2854/1••SECTION 105ak. 32.19 (4) (a) 2. a to d of the statutes are  
2 repealed.

3       ••87b2854/1••SECTION 105aL. 32.19 (4) (ag) of the statutes is amended to  
4 read:

5       32.19 (4) (ag) Limitation. Payment under par. (a) shall be made only to  
6 a displaced person who purchases and occupies a decent, safe and sanitary  
7 replacement dwelling not later than one year after the date on which the  
8 person moves from the dwelling acquired for the project, or the date on which  
9 the person receives payment from the condemnor, whichever is later, except  
10 that the condemnor may extend the period for good cause. If the period is  
11 extended, payment under par. (a) shall be based on the costs of relocating the  
12 displaced person to a comparable replacement dwelling within one year of the  
13 date on which the person moves from the dwelling acquired for the project.

14       ••87b2854/1••SECTION 105am. 32.19 (4) (b) (intro.) of the statutes is  
15 amended to read:

16       32.19 (4) (b) Tenants and certain others. (intro.) In addition to  
17 amounts otherwise authorized by this subchapter, the condemnor shall make a  
18 payment to any individual or family displaced from any dwelling which was  
19 actually and lawfully occupied by such individual or family for not less than  
20 90 days prior to the initiation of ~~the attempt to purchase~~ negotiations for  
21 the acquisition of such property or, if displacement is not a direct result of  
22 acquisition, such other event as determined by the department of industry,  
23 labor and human relations by rule. For purposes of this paragraph, a non-  
24 profit corporation organized under ch. 181 may, if otherwise eligible, be  
25 considered a displaced tenant. Subject to the limitations under par. (bm),  
26 such payment shall be either:

27       ••87b2854/1••SECTION 105an. 32.19 (4) (b) 2. (intro.) and a of the stat-  
28 utes are consolidated, renumbered 32.19 (4) (b) 2 and amended to read:

1 32.19 (4) (b) 2. If the person elects to purchase a comparable dwelling+  
2 ~~a. The, the~~ amount determined under subd. 1 plus expenses under par. (a) 3,  
3 ~~if the amount determined under subd. 1 is \$4,000 or more; or.~~

4 ••87b2854/1••SECTION 105ao. 32.19 (4) (b) 2. b of the statutes is  
5 repealed.

6 ••87b3343/1••SECTION 105aom. 32.19 (4) (bm) 1 of the statutes is amended  
7 to read:

8 32.19 (4) (bm) 1. Payment under par. (b) shall be made only to a dis-  
9 placed person who rents, leases or purchases a decent, safe and sanitary  
10 replacement dwelling and occupies that dwelling not later than one year after  
11 the date on which the person moves from the displacement dwelling ~~acquired for~~  
12 ~~the project, except that the condemnor may extend the period for good cause.~~

13 ••87b2854/1••SECTION 105ap. 32.19 (4) (bm) 2 of the statutes is repealed  
14 and recreated to read:

15 32.19 (4) (bm) 2. If a displaced person occupied the dwelling acquired  
16 for at least 90 days but not more than 180 days prior to the initiation of  
17 negotiations for the acquisition of the property, the payment under par. (b)  
18 may not exceed the amount the displaced person would receive if the displaced  
19 person was eligible for a payment under par. (a).

20 ••87b2854/1••SECTION 105aq. 32.19 (4m) (a) 2 of the statutes is amended  
21 to read:

22 32.19 (4m) (a) 2. The amount, if any, which will compensate such owner  
23 displaced person for any increased interest ~~cost~~ and other debt service costs  
24 which such person is required to pay for financing the acquisition of any  
25 replacement property, if the property acquired was encumbered by a bona fide  
26 mortgage or land contract which was a valid lien on the property for at least  
27 one year prior to the initiation of negotiations for its acquisition. The  
28 amount under this subdivision shall be ~~equal to the excess in the aggregate~~



1 ~~interest and other debt services cost of that amount of the principal of the~~  
2 ~~mortgage on the replacement property which is equal to the unpaid balance of~~  
3 ~~the mortgage on the acquired property, reduced to discounted present value.~~  
4 ~~The discount rate shall be the prevailing interest rate paid on demand deposit~~  
5 ~~savings accounts in commercial banks in the general area where the replacement~~  
6 ~~property is located~~ determined according to rules promulgated by the depart-  
7 ment of industry, labor and human relations.

8       ••87b2854/1••SECTION 105ar. 32.19 (4m) (b) (intro.) and 1 of the statutes  
9 are amended to read:

10       32.19 (4m) (b) Tenant-occupied business or farm operation. (intro.) In  
11 addition to amounts otherwise authorized by this subchapter, the condemnor  
12 shall make a payment to any tenant displaced person who has owned and occupied  
13 the business operation, or owned the farm operation, for not less than one  
14 year prior to initiation of negotiations for the acquisition of the real  
15 property on which the business or farm operation lies or, if displacement is  
16 not a direct result of acquisition, such other event as determined by the  
17 department of industry, labor and human relations, and who actually rents or  
18 purchases a comparable replacement business or farm operation for the dis-  
19 placed business or farm operation within 2 years after the date the person  
20 vacates the acquired property. At the option of the tenant displaced person,  
21 such payment shall be either:

22       1. The amount, not to exceed \$30,000, which is necessary to lease or rent  
23 a comparable replacement business or farm operation for a period of 4 years.  
24 The payment shall be computed by determining the average monthly rent paid for  
25 the property from which the person was displaced for the 12 months prior to  
26 the initiation of negotiations or, if displacement is not a direct result of  
27 acquisition, such other event as determined by the department of industry,

1 labor and human relations and the monthly rent of a comparable replacement  
2 business or farm operation, and multiplying the difference by 48; or

3 ••87b2854/1••SECTION 105as. 32.19 (4m) (b) 2 of the statutes is repealed  
4 and recreated to read:

5 32.19 (4m) (b) 2. If the tenant displaced person elects to purchase a  
6 comparable replacement business or farm operation, the amount determined under  
7 subd. 1 plus expenses under par. (a) 3.

8 ••87b2854/1••SECTION 105at. 32.20 of the statutes is amended to read:

9 32.20 PROCEDURE FOR COLLECTION OF ITEMIZED ITEMS OF COMPENSATION. Claims  
10 for damages itemized in ss. 32.19 and 32.195 shall be filed with the depart-  
11 ~~ment of transportation or other public body, board, commission or utility,~~  
12 ~~which is condemnor~~ carrying on the project through which condemnee's or  
13 claimant's claims arise. All such claims must be filed after the damages upon  
14 which they are based have fully materialized but ~~in no event~~ not later than 2  
15 years after the condemnor takes physical possession of the entire property  
16 acquired or such other event as determined by the department of industry,  
17 labor and human relations by rule. If such claim is not allowed within 90  
18 days after the filing thereof, the claimant ~~shall have~~ has a right of action  
19 against the condemnor, ~~or in case no condemnation is involved against the~~  
20 ~~department of transportation or public body, board, commission or utility,~~  
21 ~~which is~~ carrying on the project through which the claim arises. Such action  
22 shall be commenced in a court of record in the county wherein the damages  
23 occurred. In causes of action, involving any state commission, board or other  
24 agency, excluding counties, the sum recovered by the claimant shall be paid  
25 out of any funds appropriated to such condemning agency. Any judgment shall  
26 be appealable by either party and any amount recovered by the body against  
27 which the claim was filed, arising from costs, counterclaims, punitive damages  
28 or otherwise may be used as an offset to any amount owed by it to the

1 claimant, or may be collected in the same manner and form as any other  
2 judgment.

3       ••87b2854/1••SECTION 105au. 32.25 (1) of the statutes, as affected by  
4 1987 Wisconsin Act 5, is amended to read:

5       32.25 (1) Notwithstanding any other provision of law, except as provided  
6 under s. 85.09 (4m), no condemnor may proceed with any ~~property acquisition~~  
7 ~~activities on any project~~ activity which may involve ~~acquisition of property~~  
8 ~~and the~~ displacement of persons, business concerns or farm operations until  
9 the condemnor has filed in writing a relocation payment plan and relocation  
10 assistance service plan and has had both plans approved in writing by the  
11 department of industry, labor and human relations.

12       ••87b2854/1••SECTION 105av. 32.25 (2) (i) of the statutes is created to  
13 read:

14       32.25 (2) (i) Assure that a person shall not be required to move from a  
15 dwelling unless the person has had a reasonable opportunity to relocate to a  
16 comparable dwelling.

17       ••87b2854/1••SECTION 105aw. 32.26 (2) of the statutes is renumbered 32.26  
18 (2) (a) and amended to read:

19       32.26 (2) (a) The department of industry, labor and human relations may  
20 shall promulgate such rules as are necessary to carry out its functions in  
21 regard to local standards for decent, safe and sanitary dwelling accommo-  
22 tions to implement and administer ss. 32.19 to 32.27.

23       ••87b2854/1••SECTION 105ax. 32.26 (2) (b) of the statutes is created to  
24 read:

25       32.26 (2) (b) The department of industry, labor and human relations and  
26 the department of transportation shall establish interdepartmental liaison  
27 procedures for the purpose of cooperating and exchanging information to assist

1 the department of industry, labor and human relations in promulgating rules  
2 under par. (a).

3 ••87b2714/3••SECTION 105e. Chapter 33 (title) of the statutes is amended  
4 to read:

5 CHAPTER 33

6 ~~PUBLIC INLAND LAKE~~

7 WATERWAYS PROTECTION

8 AND REHABILITATION, IMPROVEMENT

9 AND RECREATIONAL DEVELOPMENT

10 ••87b2714/3••SECTION 105f. 33.001 of the statutes is amended to read:

11 33.001 DECLARATION OF INTENT. The legislature finds environmental  
12 values, wildlife, public rights in navigable waters, and the public welfare  
13 are threatened by the deterioration of ~~public lakes~~ waterways; that the pro-  
14 tection ~~and rehabilitation, improvement and recreational development~~ of the  
15 ~~public inland lakes~~ waterways of this state are in the best interest of the  
16 ~~citizens residents~~ of this state; that the public health and welfare will be  
17 benefited thereby; that the current state effort to abate water pollution will  
18 not ~~undo the eutrophic and other~~ correct or improve the deteriorated condi-  
19 tions of many ~~lakes~~ waterways; that ~~lakes~~ waterways form an important basis of  
20 the state's recreation industry and environmental heritage; that the increas-  
21 ing recreational usage of the waters of this state justifies state action to  
22 enhance and restore the potential of our ~~inland lakes~~ waterways to satisfy the  
23 needs of the ~~citizenry~~ residents; and that the positive public duty of this  
24 state as trustee of waters requires affirmative steps to protect and enhance  
25 this resource and protect environmental values. To this end, the legislature  
26 declares that it is necessary to embark upon a program of ~~lake~~ waterways pro-  
27 tection ~~and rehabilitation, improvement and recreational development~~, to  
28 authorize a conjunctive state and local program of ~~lake~~ waterways protection

1 ~~and rehabilitation, improvement and recreational development~~ to fulfill the  
2 positive duty of the state as trustee of navigable waters, and ~~to~~ protect  
3 environmental values. The legislature finds that a state effort of research,  
4 analysis, planning and financing, and a local effort undertaken by lake ~~reha-~~  
5 ~~bilitation and protection districts~~ waterways management units of planning  
6 ~~and, plan implementation and waterways protection, improvement and recrea-~~  
7 ~~tional development activities~~ are necessary and desirable and that ~~the local~~  
8 ~~districts~~ waterways management units should be formed by persons directly  
9 affected by the deteriorated condition of ~~inland waters~~ waterways and willing  
10 to assist financially, or through other means, in remedying ~~lake~~ waterways  
11 problems. The legislature further finds that state efforts are needed to aid  
12 and assist local efforts, to ensure that ~~projects~~ activities are undertaken  
13 only if they promote the public rights in navigable waters, environmental  
14 values, and the public welfare, and to administer a program of ~~financial aids~~  
15 to support ~~rehabilitation projects~~ activities with benefits to all state  
16 ~~citizens residents~~.

17 ••87b3620/1••SECTION 105fm. 33.001 of the statutes, as affected by 1987  
18 Wisconsin Acts .... (Assembly Bill 499) and .... (this act), is repealed and  
19 recreated to read:

20 33.001 DECLARATION OF INTENT. (1) The legislature finds environmental  
21 values, wildlife, public rights in navigable waters, and the public welfare  
22 are threatened by the deterioration of waterways; that the protection,  
23 improvement and recreational development of the waterways of this state are in  
24 the best interest of the residents of this state; that the public health and  
25 welfare will be benefited thereby; that the current state effort to abate  
26 water pollution will not correct or improve the deteriorated conditions of  
27 many waterways; that current efforts to protect and improve the water quality  
28 of the lakes and rivers in the Yahara watershed, which receives intense urban,

1 recreational and agricultural usage, are seriously handicapped by the fact  
2 that numerous governmental bodies have jurisdiction over the management of the  
3 Yahara watershed; that waterways form an important basis of the state's  
4 recreation industry and environmental heritage; that the increasing recrea-  
5 tional usage of the waters of this state justifies state action to enhance and  
6 restore the potential of our waterways to satisfy the needs of the residents;  
7 and that the positive public duty of this state as trustee of waters requires  
8 affirmative steps to protect and enhance this resource and protect environ-  
9 mental values.

10 (2) In accordance with sub. (1), the legislature declares that it is  
11 necessary to embark upon a program of waterways protection, improvement and  
12 recreational development, to authorize a conjunctive state and local program  
13 of waterways protection, improvement and recreational development to fulfill  
14 the positive duty of the state as trustee of navigable waters, and to protect  
15 environmental values. The legislature finds that a state effort of research,  
16 analysis, planning and financing, and a local effort undertaken by waterways  
17 management units of planning, plan implementation and waterways protection,  
18 improvement and recreational development activities are necessary and desir-  
19 able and that waterways management units should be formed by persons directly  
20 affected by the deteriorated condition of waterways and willing to assist  
21 financially, or through other means, in remedying waterways problems. The  
22 legislature further finds that state efforts are needed to aid and assist  
23 local efforts, to ensure that activities are undertaken only if they promote  
24 the public rights in navigable waters, environmental values and the public  
25 welfare, and to administer a program to support activities with benefits to  
26 all state residents.

27 ••87b2714/3••SECTION 105g. 33.01 (1) of the statutes is repealed and re-  
28 created to read:

1       33.01 (1) "Activity" means a waterways protection, improvement or  
2 recreational development activity.

3       ••87b2714/3••SECTION 105h. 33.01 (1g) of the statutes is created to read:

4       33.01 (1g) "Commission" means the Wisconsin waterways commission.

5       ••87b2714/3••SECTION 105i. 33.01 (3m) of the statutes is created to read:

6       33.01 (3m) "Free-flowing river" means that portion of a river that is at  
7 least 30 miles in length and that flows in its natural course without  
8 impoundment by a dam.

9       ••87b2714/3••SECTION 105j. 33.01 (5m) of the statutes is created to read:

10       33.01 (5m) "Nonprofit organization" means any of the following:

11       (a) "Nonprofit organization" as defined under s. 108.02 (19).

12       (b) A waterway association incorporated under ch. 181 that meets all of  
13 the following conditions:

14       1. Specifies in its articles of incorporation or bylaws a substantial  
15 purpose of supporting for the general public benefit the protection, improve-  
16 ment or recreational development of waterways.

17       2. Demonstrates to the satisfaction of the department that its past  
18 actions had the substantial purpose of supporting for the general public  
19 benefit the protection, improvement or recreational development of waterways.

20       3. Is open to full voting membership of individuals who reside at least  
21 one month of the year or who own real estate on, or within one mile of, a  
22 specific waterway or a geographically related group of waterways to which the  
23 association relates.

24       4. Has been in existence for at least one year.

25       5. Has at least 25 members.

26       6. Requires payment of an annual membership fee of not less than \$5 nor  
27 more than \$25.

28       ••87b2714/3••SECTION 105kg. 33.01 (6) of the statutes is repealed.

1       ••87b2714/3••SECTION 105kp. 33.01 (7) of the statutes is repealed.

2       ••87b2714/3••SECTION 105m. 33.01 (11) of the statutes is created to read:

3       33.01 (11) "Waterways" means public inland lakes, free-flowing rivers and  
4 outlying waters as defined in s. 29.01 (11).

5       ••87b2714/3••SECTION 105ng. 33.01 (12) of the statutes is created to  
6 read:

7       33.01 (12) "Waterways management unit" means a municipality, a county, a  
8 town sanitary district, a district organized under this chapter, a nonprofit  
9 organization or any local governmental body or agency.

10       ••87b3620/1••SECTION 105nh. 33.01 (12) of the statutes, as affected by  
11 1987 Wisconsin Act .... (this act), is repealed and recreated to read:

12       33.01 (12) "Waterways management unit" means a municipality, a county, a  
13 town sanitary district, a district organized under this chapter, the Yahara  
14 watershed management district created under this chapter, a nonprofit orga-  
15 nization or any local governmental body or agency.

16       ••87b2714/3••SECTION 105nq. 33.02 of the statutes is repealed and recre-  
17 ated to read:

18       33.02 DEPARTMENT; POWERS AND DUTIES. The department shall take actions  
19 for the protection, improvement or recreational development of waterways.  
20 Actions may include any of the following:

21       (1) Developing and maintaining a program of monitoring a comprehensive  
22 network of representative waterways in order to identify water quality trends  
23 and causes of changes in water quality. The department may support volunteer  
24 water quality monitoring actions as part of its monitoring program.

25       (2) Coordinating statewide public information and education efforts,  
26 either directly or by contract, which may include organization of conferences,  
27 compilation and dissemination of educational materials and financial and other  
28 assistance to waterways management units.



1 (3) Providing technical, interdisciplinary assistance to waterways man-  
2 agement units in any phase of waterways protection, improvement or recrea-  
3 tional development.

4 (4) Periodically evaluating and demonstrating innovative techniques for  
5 waterways protection, improvement or recreational development.

6 (5) Administering, or making recommendations on the use of, federal funds  
7 available for waterways protection, improvement or recreational development  
8 and for associated research activities.

9 (6) Recommending standards and guidelines for plans for activities, to  
10 ensure that activity efforts and expenditures by waterways management units  
11 yield maximum returns, that environmental values are protected and that  
12 improved waterways are protected from degradation to the maximum extent  
13 possible.

14 (7) Serving as a clearinghouse for scientific data on waterways and  
15 information on accepted and experimental techniques for the protection,  
16 improvement or recreational development of waterways.

17 ••87b2714/3••SECTION 105p. Subchapter II of chapter 33 of the statutes is  
18 repealed.

19 ••87b2714/3••SECTION 105q. Subchapter III (title) of chapter 33 of the  
20 statutes is amended to read:

21 SUBCHAPTER III

22 LAKE WATERWAYS PROTECTION PROJECTS

23 AND REHABILITATION, IMPROVEMENT

24 AND RECREATIONAL DEVELOPMENT ACTIVITIES

25 ••87b2714/3••SECTION 105r. 33.11 of the statutes is repealed.

26 ••87b2714/3••SECTION 105s. 33.12 of the statutes is repealed.

27 ••87b2714/3••SECTION 105t. 33.13 of the statutes is repealed and recre-  
28 ated to read:

1       33.13 STUDIES. The commission may conduct studies or cooperate with  
2 other persons in conducting studies, to aid in assessing the need for  
3 activities.

4       ••87b2714/3••SECTION 105u. 33.14 of the statutes is repealed and recre-  
5 ated to read:

6       33.14 FEASIBILITY STUDIES. (1) The commission and waterways management  
7 units shall use feasibility studies to determine whether proposed activities  
8 are feasible from environmental, economic and engineering viewpoints. The  
9 department and the commission shall review each feasibility study to ensure  
10 that appropriate data has been collected and analyzed in detail to substan-  
11 tiate the recommendations made in the feasibility study.

12       (2) The commission may approve financial assistance under s. 33.15 for a  
13 feasibility study only upon the request of the affected waterways management  
14 unit. A feasibility study shall be of sufficient detail to allow the affected  
15 waterways management unit to decide if an activity should be supported.

16       (3) The commission shall consider all of the following factors in  
17 assigning priorities for feasibility studies:

18       (a) Estimated cost of the feasibility study.

19       (b) Available funds.

20       (c) Expression of support by the waterways management unit.

21       (d) Activities previously completed in the area.

22       (4) A decision by a waterways management unit to support an activity  
23 feasibility study shall be made by a resolution expressing support for a more  
24 detailed inquiry into the environmental, economic and engineering feasibility  
25 of an activity. Support of an activity feasibility study does not commit the  
26 affected waterways management unit to cost-sharing in the conduct of a pro-  
27 posed activity or the management or operation of an activity.